

## House File 268 - Introduced

HOUSE FILE 268

BY HANSON, WINCKLER, KACENA,  
HUNTER, BROWN-POWERS,  
McCONKEY, LENSING, and  
GASKILL

(COMPANION TO SF 138 BY MCCOY)

### A BILL FOR

1 An Act relating to private instruction by adding a reporting  
2 requirement and requiring school districts to conduct health  
3 and safety visits for the protection of children placed  
4 under competent private instruction or private instruction.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 299.4, subsection 1, Code 2017, is  
2 amended to read as follows:

3 1. The parent, guardian, or legal custodian of a child  
4 who is of compulsory attendance age, who places the child  
5 under competent private instruction under section 299A.2, or  
6 private instruction under section 299A.3, not in an accredited  
7 school or a home school assistance program operated by a school  
8 district or accredited nonpublic school, shall furnish to the  
9 school district of residence a report in duplicate on forms  
10 provided in the form and manner prescribed by the public school  
11 district, to the district by September 1 of the school year in  
12 which the child will be under competent private instruction  
13 or private instruction. The secretary shall retain and file  
14 one copy and forward the other copy to the district's area  
15 education agency. The report shall state the name and age  
16 of the child, the period of time during which the child has  
17 been or will be under competent private instruction or private  
18 instruction for the year, an outline of the course of study,  
19 texts used, and the name and address of the instructor. The  
20 parent, guardian, or legal custodian of a child, who is placing  
21 the child under competent private instruction or private  
22 instruction for the first time, shall also provide the district  
23 with evidence that the child has had the immunizations required  
24 under section 139A.8, and, if the child is elementary school  
25 age, a blood lead test in accordance with section 135.105D.  
26 The term "*outline of course of study*" shall include subjects  
27 covered, lesson plans, and time spent on the areas of study.

28 Sec. 2. Section 299A.3, Code 2017, is amended to read as  
29 follows:

30 **299A.3 Private instruction by nonlicensed person.**

31 1. A parent, guardian, or legal custodian of a child of  
32 compulsory attendance age providing private instruction to  
33 the child shall complete and send, in a timely manner, the  
34 report required under section 299.4 to the school district of  
35 residence of the child.

1     2. A parent, guardian, or legal custodian of a child of  
2 compulsory attendance age providing private instruction to the  
3 child may meet all either of the following requirements:

4     ~~1. Complete and send, in a timely manner, the report~~  
5 ~~required under section 299.4 to the school district of~~  
6 ~~residence of the child.~~

7     ~~2. a.~~ Ensure that the child under the parent's, guardian's,  
8 or legal custodian's instruction is evaluated annually to  
9 determine whether the child is making adequate progress, as  
10 defined in section 299A.6.

11    ~~3. b.~~ Ensure that the results of the child's annual  
12 evaluation are reported to the school district of residence  
13 of the child and to the department of education by a date not  
14 later than June 30 of each year in which the child is under  
15 private instruction.

16    Sec. 3. NEW SECTION.   **299A.13 Health and safety visits.**

17    1. The board of directors of a school district shall  
18 conduct quarterly home visits to check on the health and safety  
19 of children located within the district who are receiving  
20 competent private instruction or private instruction.

21    2. Home visits shall take place in the child's residence  
22 with the consent of the parent, guardian, or legal custodian  
23 and an interview or observation of the child may be conducted.  
24 If permission to enter the home to interview or observe the  
25 child is refused, the juvenile court or district court upon  
26 a showing of probable cause may authorize the person making  
27 the home visit to enter the home and interview or observe the  
28 child.

29    3. The superintendent of the school district shall  
30 designate a person to carry out the duties assigned to the  
31 school district under this section. The person designated  
32 shall be a mandatory reporter, as defined in section 232.69,  
33 subsection 1. The school district may collaborate with the  
34 department of human services, including the local, county, and  
35 service area officers of the department, in conducting the home

1 visits required under this section.

2 4. The department of education, in collaboration with the  
3 department of human services, shall provide guidelines to  
4 school districts for implementation of this section.

5 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance  
6 with section 25B.2, subsection 3, the state cost of requiring  
7 compliance with any state mandate included in this Act shall  
8 be paid by a school district from state school foundation aid  
9 received by the school district under section 257.16. This  
10 specification of the payment of the state cost shall be deemed  
11 to meet all of the state funding-related requirements of  
12 section 25B.2, subsection 3, and no additional state funding  
13 shall be necessary for the full implementation of this Act  
14 by and enforcement of this Act against all affected school  
15 districts.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill requires the parent, guardian, or legal custodian  
20 who places a child in private instruction to submit the same  
21 report to the school district of residence that is required for  
22 a child placed in competent private instruction, and requires  
23 school districts to conduct quarterly home visits to check  
24 on the health and safety of children placed under competent  
25 private instruction or private instruction.

26 The parent, guardian, or legal custodian placing a child  
27 under private instruction must furnish, by September 1 of the  
28 academic year to the school district of residence, in the form  
29 and manner prescribed by the school, a report that includes the  
30 name and age of the child, the period of time during which the  
31 child has been or will be under private instruction for the  
32 year, an outline of the course of study, texts used, and the  
33 name and address of the instructor.

34 As currently required for persons filing reports for a child  
35 placed in competent private instruction, the first time such

1 a report is filed by a person on behalf of a child placed in  
2 private instruction, the person must also provide the district  
3 with evidence that the child has had the immunizations required  
4 under Code section 139A.8, and, if the child is elementary  
5 school age, a blood lead test. The term "outline of course of  
6 study" includes subjects covered, lesson plans, and time spent  
7 on the areas of study.

8 The home visits shall take place in the child's residence  
9 with the consent of the parent, guardian, or legal custodian  
10 and an interview or observation of the child may be conducted.  
11 If permission to enter the home to interview or observe the  
12 child is refused, the juvenile court or district court upon  
13 a showing of probable cause may authorize the person making  
14 the home visit to enter the home and interview or observe the  
15 child.

16 The superintendent of the school district shall designate a  
17 person to carry out the duties assigned to the school district.  
18 The person designated shall be a mandatory reporter of child  
19 abuse. The school district may collaborate with the department  
20 of human services, including the local, county, and service  
21 area officers of the department. The department of education,  
22 in collaboration with the department of human services, shall  
23 provide guidelines to school districts for implementation of  
24 the home visits for health and safety.

25 The bill may include a state mandate as defined in Code  
26 section 25B.3. The bill requires that the state cost of  
27 any state mandate included in the bill be paid by a school  
28 district from state school foundation aid received by the  
29 school district under Code section 257.16. The specification  
30 is deemed to constitute state compliance with any state mandate  
31 funding-related requirements of Code section 25B.2. The  
32 inclusion of this specification is intended to reinstate the  
33 requirement of political subdivisions to comply with any state  
34 mandates included in the bill.